



February 20, 2004

ENGROSSED HOUSE BILL No. 1350

DIGEST OF HB 1350 (Updated February 18, 2004 12:57 pm - DI 104)

Citations Affected: IC 16-18; IC 16-46; noncode.

Synopsis: Commission on health care interpreters and translators. Creates the commission on health care interpreters and translators which is staffed by the state department of health. Requires the commission to report specified findings and recommendations to the health finance commission not later than November 1, 2004.

Effective: July 1, 2004.

Aguilera, Budak

(SENATE SPONSORS — LAWSON C, SIMPSON, BREAUX)

January 15, 2004, read first time and referred to Committee on Public Health.
January 29, 2004, amended, reported — Do Pass.
February 2, 2004, read second time, ordered engrossed.
February 3, 2004, engrossed.
February 5, 2004, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 9, 2004, read first time and referred to Committee on Health and Provider Services.
February 19, 2004, amended, reported favorably — Do Pass.

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EH 1350—LS 7335/DI 14+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1350

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-18-2-62 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 62. (a) "Commission",
3 for purposes of IC 16-19-6, refers to the commission for special
4 institutions.
5 (b) "Commission", for purposes of IC 16-31, refers to the Indiana
6 emergency medical services commission.
7 (c) **"Commission", for purposes of IC 16-46-11.1, has the**
8 **meaning set forth in IC 16-46-11.1-1.**
9 SECTION 2. IC 16-18-2-161.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2004]: **Sec. 161.5. "Health care interpreter",**
12 **for purposes of IC 16-46-11.1, has the meaning set forth in**
13 **IC 16-46-11.1-2.**
14 SECTION 3. IC 16-18-2-163.5 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2004]: **Sec. 163.5. "Health care translator",**
17 **for purposes of IC 16-46-11.1, has the meaning set forth in**

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IC 16-46-11.1-3.

SECTION 4. IC 16-46-11.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 11.1 Certification of Health Care Interpreters and Translators.

Sec. 1. For purposes of this chapter, "commission" means the commission on health care interpreters and translators established by section 4 of this chapter.

Sec. 2. For purposes of this chapter, "health care interpreter" means a professional interpreter who works primarily in the field of health care facilitating the oral communication among a:

- (1) provider;
- (2) patient; and
- (3) patient's family.

Sec. 3. For purposes of this chapter, "health care translator" means a professional translator who:

- (1) works primarily in the field of health care; and
- (2) specializes in the translation of written medical documents from one (1) language into another.

Sec. 4. The commission on health care interpreters and translators is established. The state department shall provide staff for the commission.

Sec. 5. (a) The commission consists of the following fourteen (14) members to be appointed by the state health commissioner:

- (1) One (1) member representing the state department.
- (2) One (1) member representing local health departments.
- (3) One (1) member representing the medical profession.
- (4) One (1) member representing institutions of higher education in Indiana.
- (5) Two (2) members representing patient advocacy groups.
- (6) One (1) member representing community organizations.
- (7) One (1) member representing interpreter professional associations.
- (8) One (1) member representing translator professional associations.
- (9) One (1) member representing hospitals.
- (10) One (1) member representing the interagency state council on black and minority health.
- (11) One (1) member representing the department of correction who is nominated by the commissioner of the department of correction.

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(12) One (1) member representing the department of education who is nominated by the state superintendent of public instruction.

(13) One (1) member representing the office of Medicaid policy and planning who is nominated by the director of the office of Medicaid policy and planning.

The appointments made under this subsection must be made in a manner to maintain cultural and language diversity.

(b) The state health commissioner shall designate:

(1) one (1) member as chairperson of the commission; and

(2) one (1) member as vice chairperson of the commission.

(c) A member is appointed to a term of two (2) years or until a successor is appointed. A member may be reappointed to an unlimited number of terms.

(d) If a member:

(1) resigns;

(2) dies; or

(3) is removed from the commission;

before the expiration of the member's term, the state health commissioner shall appoint a new member to serve for the remainder of the term.

(e) The expenses of the commission shall be paid from funds appropriated to the state department.

(f) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure.

(h) The commission shall meet quarterly or on the call of the chairperson.

Sec. 6. The commission shall do the following:

(1) Write bylaws concerning the operation of the commission.

(2) Define the terms "health care interpreter" and "health care translator".

(3) Review and determine the proper level of regulation or oversight that Indiana should have over health care interpreters and health care translators practicing in Indiana.

(4) Recommend the level and type of education necessary to

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perform the job of:

(A) a health interpreter; and

(B) a health care translator.

(5) Recommend standards that health care interpreters and health care translators should meet in order to practice in Indiana.

SECTION 5. [EFFECTIVE JULY 1, 2004] (a) The initial terms of office of the fourteen (14) individuals initially appointed to the commission on health care interpreters and translators under IC 16-46-11.1-5, as added by this act, are as follows:

(1) Seven (7) members for a term of one (1) year; and

(2) Seven (7) members for a term of two (2) years.

The state health commissioner shall designate the term of office of each individual initially appointed to the commission.

(b) This SECTION expires June 30, 2005.

SECTION 6. [EFFECTIVE JULY 1, 2004] (a) As used in this SECTION, "commission" refers to the commission on health care interpreters and translators established by IC 16-46-11.1-4, as added by this act.

(b) Not later than November 1, 2004, the commission shall report the commission's findings and recommendations determined under IC 16-46-11.1-6, as added by this act, to the health finance commission established by IC 2-5-23-3.

(c) This SECTION expires December 31, 2005.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1350, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 8.5. This chapter does not require a health care provider (as defined in IC 16-18-2-163(a)) to use a health care interpreter or health care translator."

Page 3, line 24, delete "state department" and insert **"Indiana Minority Health Coalition, Inc.,"**

Page 3, line 26, delete "nine (9)" and insert **"fourteen (14)"**.

Page 3, between lines 38 and 39, begin a new line block indented and insert:

"(9) One (1) member representing hospitals.

(10) One (1) member representing the interagency state council on black and minority health.

(11) One (1) member representing the department of correction who is nominated by the commissioner of the department of correction.

(12) One (1) member representing the department of education who is nominated by the state superintendent of public instruction.

(13) One (1) member representing the office of Medicaid policy and planning who is nominated by the director of the office of Medicaid policy and planning.

The appointments made under this subsection must be made in a manner to maintain cultural and language diversity."

Page 4, line 11, delete "state department for operation of the" and insert **"Indiana Minority Health Coalition, Inc., for the minority health initiative."**

Page 4, delete lines 12 through 20.

Page 4, line 21, delete "(g)" and insert **"(f)"**.

Page 4, line 27, delete "(h)" and insert **"(g)"**.

Page 4, line 30, delete "(i)" and insert **"(h)"**.

Page 4, line 41, delete "sufficient to cover" and insert **"not less than are required to pay all of"**.

Page 4, line 42, after "costs" insert **", direct and indirect,"**.

Page 4, line 42, after "commission" insert **"and operation of this chapter"**.

Page 5, line 17, after "Sec. 13." insert **"(a)"**.

Page 6, between lines 1 and 2, begin a new paragraph and insert:

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"(b) The commission may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for certification."

and when so amended that said bill do pass.

(Reference is to HB 1350 as introduced.)

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1350, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 1, delete lines 1 through 17.
- Page 2, delete lines 1 through 3.
- Page 2, line 11, delete "16-46-11.1-5." and insert **"16-46-11.1-1."**.
- Page 2, line 16, delete "IC 16-46-11.1-8." and insert **"IC 16-46-11.1-2."**.
- Page 2, line 21, delete "IC 16-46-11.1-9." and insert **"IC 16-46-11.1-3."**.
- Page 2, delete lines 22 through 26.
- Page 2, delete lines 32 through 42.
- Page 3, delete lines 1 through 5.
- Page 3, line 6, delete "Sec. 5." and insert **"Sec. 1."**.
- Page 3, line 8, delete "9" and insert **"4"**.
- Page 3, line 9, delete "Sec. 6." and insert **"Sec. 2."**.
- Page 3, line 15, delete "Sec. 7." and insert **"Sec. 3."**.
- Page 3, delete lines 20 through 25.
- Page 3, line 26, delete "Sec. 9." and insert **"Sec. 4."**.
- Page 3, line 27, delete "Indiana Minority Health Coalition," and insert **"state department"**.
- Page 3, line 28, delete "Inc.,".
- Page 3, line 29, delete "Sec. 10." and insert **"Sec. 5."**.
- Page 4, line 28, delete "Indiana Minority Health Coalition, Inc., for" and insert **"state department."**.
- Page 4, delete line 29.
- Page 4, line 41, delete "Sec. 11." and insert **"Sec. 6."**.
- Page 5, line 1, delete "Certify health care interpreters." and insert **"Define the terms "health care interpreter" and "health care translator"."**.
- Page 5, line 2, delete "Certify health care translators." and insert **"Review and determine the proper level of regulation or oversight that Indiana should have over health care interpreters and health care translators practicing in Indiana."**.
- Page 5, line 3, delete "Maintain a registry of health care interpreters and" and insert **"Recommend the level and type of education necessary to perform the job of:**
 - (A) a health interpreter; and



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(B) a health care translator."

Page 5, delete line 4.

Page 5, line 5, delete "Adopt rules under IC 4-22-2 to implement this chapter," and insert **"Recommend standards that health care interpreters and health care translators should meet in order to practice in Indiana."**

Page 5, delete lines 6 through 42.

Delete pages 6 through 8.

Page 9, delete lines 1 through 16.

Page 9, line 18, delete "nine (9)" and insert **"fourteen (14)"**.

Page 9, line 20, delete "IC 16-16-11.1-10" and insert **"IC 16-46-11.1-5, as added by this act,"**.

Page 9, line 21, delete "Four (4)" and insert **"Seven (7)"**.

Page 9, line 22, delete "Five (5)" and insert **"Seven (7)"**.

Page 9, after line 25, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2004] (a) As used in this SECTION, "commission" refers to the commission on health care interpreters and translators established by IC 16-46-11.1-4, as added by this act.

(b) Not later than November 1, 2004, the commission shall report the commission's findings and recommendations determined under IC 16-46-11.1-6, as added by this act, to the health finance commission established by IC 2-5-23-3.

(c) This SECTION expires December 31, 2005."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1350 as printed January 30, 2004.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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